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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE  
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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	09/745,017
Filing Date	December 20, 2000
First Named Inventor	Klaus ZIMMERMANN et al.
Group Art Unit	1655
Examiner Name	E. Shisenant
Attorney Docket Number	37974-0167

Total Number of Pages in This Submission

3

### ENCLOSURES (check all that apply)

- ☐ Fee Transmittal Form
  - ☐ Fee Attached
- ☐ Amendment / Response
  - ☐ After Final
  - ☐ Affidavits/declaration(s)
- ☐ Extension of Time Request
- ☐ Express Abandonment Request
- ☐ Information Disclosure Statement
- ☐ Certified Copy of Priority Document(s)
- ☐ Response to Missing Parts/Incomplete Application
  - ☐ Response to Missing Parts under 37 CFR 1.52 or 1.53

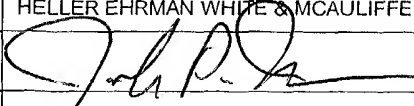
- ☐ Assignment Papers (for an Application)
- ☐ Drawing(s)
- ☐ Licensing-related Papers
- ☐ Petition
- ☐ Petition to Convert to a Provisional Application
- ☒ Power of Attorney, Revocation Change of Correspondence Address
- ☐ Terminal Disclaimer
- ☐ Request for Refund
- ☐ CD, Number of CD(s) \_\_\_\_\_

- ☐ After Allowance Communication to Group
- ☐ Appeal Communication to Board of Appeals and Interferences
- ☐ Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
- ☐ Proprietary Information
- ☐ Status Letter
- ☒ Other Enclosure(s) (please identify below):

**Response to Restriction Requirement**

Remarks

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	John P. Isacson, Reg. No. 33,715 HELLER EHRMAN WHITE & MCAULIFFE
Signature	
Date	February 24, 2002

### CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date:

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# **OFFICE OF THE COMMISSIONER OF PATENT AND TRADEMARKS** **FEE TRANSMITTAL** **for FY 2002**

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$) 162

## **Complete if Known**

Application Number 09/745,017  
Filing Date December 20, 2000  
First Named Inventor Klaus ZIMMERMANN et al.  
Examiner Name E. Whisenant  
Group / Art Unit 1634  
Attorney Docket No. 37974-0167

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METHOD OF PAYMENT (check all that apply)					FEE CALCULATION (continued)																																																																																																																																																					
<input checked="" type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input type="checkbox"/> Other <input type="checkbox"/> None <input type="checkbox"/> Deposit Account: Deposit Account Number: 08-1641 Deposit Account Name: HELLER EHRMAN WHITE & MCAULIFFE The Commissioner is authorized to: (check all that apply) <input checked="" type="checkbox"/> Charge fee(s) indicated below <input checked="" type="checkbox"/> Credit any overpayments <input type="checkbox"/> Charge any additional fee(s) during the pendency of this application <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.					<b>3. ADDITIONAL FEES</b> <table border="1"> <thead> <tr> <th>Fee Code</th> <th>Large Entity Fee (\$)</th> <th>Small Entity Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>105</td><td>130</td><td>205</td><td>65</td><td></td></tr> <tr><td>127</td><td>50</td><td>227</td><td>25</td><td></td></tr> <tr><td>139</td><td>130</td><td>139</td><td>130</td><td></td></tr> <tr><td>147</td><td>2,520</td><td>147</td><td>2,520</td><td></td></tr> <tr><td>112</td><td>920*</td><td>112</td><td>920*</td><td></td></tr> <tr><td>113</td><td>1,840*</td><td>113</td><td>1,840*</td><td></td></tr> <tr><td>115</td><td>110</td><td>215</td><td>55</td><td></td></tr> <tr><td>116</td><td>400</td><td>216</td><td>200</td><td></td></tr> <tr><td>117</td><td>920</td><td>217</td><td>460</td><td></td></tr> <tr><td>118</td><td>1,440</td><td>218</td><td>720</td><td></td></tr> <tr><td>128</td><td>1,960</td><td>228</td><td>980</td><td></td></tr> <tr><td>119</td><td>320</td><td>219</td><td>160</td><td></td></tr> <tr><td>120</td><td>320</td><td>220</td><td>160</td><td></td></tr> <tr><td>121</td><td>280</td><td>221</td><td>140</td><td></td></tr> <tr><td>138</td><td>1,510</td><td>138</td><td>1,510</td><td></td></tr> <tr><td>140</td><td>110</td><td>240</td><td>55</td><td></td></tr> <tr><td>141</td><td>1,280</td><td>241</td><td>640</td><td></td></tr> <tr><td>142</td><td>1,280</td><td>242</td><td>640</td><td></td></tr> <tr><td>143</td><td>460</td><td>243</td><td>230</td><td></td></tr> <tr><td>144</td><td>620</td><td>244</td><td>310</td><td></td></tr> <tr><td>122</td><td>130</td><td>122</td><td>130</td><td></td></tr> <tr><td>123</td><td>50</td><td>123</td><td>50</td><td></td></tr> <tr><td>126</td><td>180</td><td>126</td><td>180</td><td></td></tr> <tr><td>581</td><td>40</td><td>581</td><td>40</td><td></td></tr> <tr><td>146</td><td>740</td><td>246</td><td>370</td><td></td></tr> <tr><td>149</td><td>740</td><td>249</td><td>370</td><td></td></tr> <tr><td>179</td><td>740</td><td>279</td><td>370</td><td></td></tr> <tr><td>169</td><td>900</td><td>169</td><td>900</td><td></td></tr> </tbody> </table>					Fee Code	Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description	Fee Paid	105	130	205	65		127	50	227	25		139	130	139	130		147	2,520	147	2,520		112	920*	112	920*		113	1,840*	113	1,840*		115	110	215	55		116	400	216	200		117	920	217	460		118	1,440	218	720		128	1,960	228	980		119	320	219	160		120	320	220	160		121	280	221	140		138	1,510	138	1,510		140	110	240	55		141	1,280	241	640		142	1,280	242	640		143	460	243	230		144	620	244	310		122	130	122	130		123	50	123	50		126	180	126	180		581	40	581	40		146	740	246	370		149	740	249	370		179	740	279	370		169	900	169	900	
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**or number previously paid, if greater; For Reissues, see above					Other fee (specify) _____ *Reduced by Basic Filing Fee Paid <b>SUBTOTAL (3)</b> (\$) 0																																																																																																																																																					

SUBMITTED BY			Complete (if applicable)		
Name (Print/Type)	John P. Isacson	Registration No. Attorney/Agent	33,715	Telephone	(202) 912-2000
Signature			Date	November 18, 2002	

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26633



#7  
Election

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.: 62974-016

Applicant(s): Klaus ZIMMERMANN *et al.*

Appl. No.: 09/745,017

Examiner: E. Whisenant

Filing Date: December 20, 2000

Art Unit: 1655

Title: METHODS FOR THE DETECTION, QUANTIFICATION AND DIFFERENTIATION OF INFECTIOUS VERSUS NON-INFECTIOUS PATHOGENS IN A SAMPLE

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**RESPONSE TO RESTRICTION REQUIREMENT**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

Applicants herein respond to the restriction requirement dated January 24, 2002 (Paper No. 6). Applicants elect with traverse the claims of Group I (claims 1-8). Applicants, of course, reserve the right to file one or more divisional applications covering the subject matter of the non-elected claims.

Applicants traverse the restriction requirement on the grounds that the examiner has not demonstrated the requisite "serious burden" needed to justify a restriction requirement. See MPEP § 803(B) (August 2001) at 800-4. Given that claim 9 is dependent on the elected claims and claims 10-20 will be subjected to similar searches according to the examiner, applicants submit that there seems to be no serious burden on the examiner to examine all of the claims. Thus, applicants respectfully request examination of all of the claims, or at least the claims of Groups I and III.

A first office action on the merits is awaited.

Respectfully submitted,

John P. Isacson  
Attorney for Applicant  
Registration No. 33,715

Date: February 24, 2002

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1666 K Street, NW, Suite 300  
Washington, DC 20006  
Phone: (202) 912-2000  
Fax: (202) 912-2020

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